

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

BRYAN COTTLE, SR.,)	
)	
Plaintiff,)	
)	
v.)	No. 4:23-cv-00854-AGF
)	
STATE OF MISSOURI,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on the application of self-represented plaintiff Bryan Cottle, Sr. to proceed in the district court without prepaying fees and costs. Based on the financial information contained in the application, the Court will grant the application and waive the filing fee. Furthermore, the Court will dismiss plaintiff's complaint for failure to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B).

Legal Standard on Initial Review

Under 28 U.S.C. § 1915(e), a Court must *sua sponte* dismiss an indigent plaintiff's complaint or any portion thereof which (1) is frivolous or malicious; (2) fails to state a claim upon which relief may be granted; or (3) seeks monetary relief against a defendant who is immune from such relief. A complaint is frivolous if "it lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 327 (1989). Dismissals on this ground should only be ordered when legal theories are "indisputably meritless," or when the claims rely on factual allegations that are "clearly baseless." *Denton v. Hernandez*, 504 U.S. 25, 31 (1992). "Clearly baseless" factual allegations include those that are "fanciful," "fantastic," and "delusional." *Id.* at 32-33 (quoting *Neitzke*, 490 U.S. at 325, 327).

The Complaint

Plaintiff brings this 51-page complaint against defendant the State of Missouri alleging the State is violating his constitutional rights to equal protection, due process of law, and the privileges and immunity clause. Plaintiff alleges that he is the “supreme being ‘god’ the universe sovereign absolute monarch of god kingdom which is the entire universe for I ‘god’ is the creator of all things.”

I Bryan Cottle Sr pro se the plaintiff is supreme being “God” the universe sovereign absolute monarch of God kingdom which is the entire universe. I am being charged with an felony that abridge my privileges and immunities as a U.S. citizen. The State of Missouri is enforcing law 565.090 RSMO against me, that abridge my privileges and immunities. See pages 4.10-4.18 are my religious freedoms I exercise forever.

ECF No. 1 at 24.

See page 4.10 – this is my oath and certificate of life to divine king universe religion, I forever exercise.

See page 4.11 – is my “God eternal life religious ritual” I forever exercise, giving me independence for I am “God” the absolute monarch for “God kingdom” the “church,” the world is the church. I am the master of religion.

“God eternal life religious ritual” stated as – I am the sole “God” creator of the “universe” living amongst all forever. I am the sole owner of the universe. I am the sole royal sovereign ruling the universe forever. My law “divine universe law” is the universe supreme law. I am exempt from all laws, principles, natures, governments or anything, I am independent. The universe entirety including my children are inseparable of my ownership, possession, and control.

ECF No. 1 at 25.

Plaintiff seems to allege Missouri is violating his rights by prosecuting him in an underlying criminal case pending in St. Charles County, Missouri. *See State v. Cottle*, No. 1811-CR03696 (St. Charles Cnty. filed Oct. 9, 2018).

For relief, plaintiff seeks:

an immediate emergency restraining order against the State of Missouri entirety prohibiting Missouri of taking any action against me and to cease all actions against me through all means including case 1811-CR03696-01, any investigations, ejectments, judgments, orders, or cases because I forever exercise my “God eternal

life religious ritual” for it and divine king universe religion is my entirety on pages 4.10 – 4.18. The events in claim 1 are continuing to abridge my privileges and immunities (of my U.S. Const. 1st Amendment “freedom to exercise my religion”) since 2018. . . . My next court date is November 2023. I fear for my life from Missouri actions in the aforementioned case.

ECF No. 1 at 47. Plaintiff also seeks compensatory damages of \$100,000,000 for mental pain and suffering and his defamed character. Later in the complaint, he asks for compensatory damages of \$36,000,000,000 for mental pain and suffering. *Id.* at 50. Finally, he seeks punitive damages in the amount of \$50,000,000. *Id.* at 48.

Discussion

Based on the complaint, the Court finds plaintiff’s claims lack an arguable basis in either law or fact, and are frivolous. Plaintiff’s legal theories are “indisputably meritless,” and his claims rely on factual allegations that are “clearly baseless.” *Denton v. Hernandez*, 504 U.S. 25, 31 (1992). Plaintiff’s factual assertions are “fanciful,” “fantastic,” and “delusional.” *See Denton* 504 U.S. at 32-33 (490 U.S. at 325, 327) (quoting *Neitzke*, 490 U.S. at 325, 327). Thus, the Court finds that plaintiff’s complaint fails to state a claim upon which relief may be requested under 28 U.S.C. § 1915(e)(2)(B). The Court will dismiss the complaint.

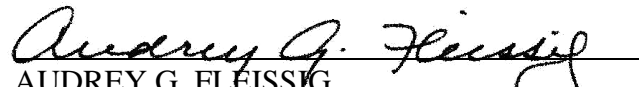
Accordingly,

IT IS HEREBY ORDERED that plaintiff’s application to proceed in the district court without prepayment of fees and costs is **GRANTED**. [ECF No. 2] The Court will waive the filing fee.

IT IS FURTHER ORDERED that plaintiff’s complaint is **DISMISSED** for failure to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B).

An Order of Dismissal will accompany this Memorandum and Order.

Dated this 25th day of July, 2023.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE